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trative materials. Considering its many excellencies, its breadth of view, its scholarly treatment, its accumulation of facts, its systematic arrangement, its lucid style, this latest work of M. Diehl must be regarded as one of exceptional merit, and a valuable aid to the student of this period.

WILLIAM C. MOREY.

Select Documents of English Constitutional History. Edited by GEORGE BURTON ADAMS and H. MORSE STEPHENS. (New York: The Macmillan Co. 1901. Pp. xviii, 555.)

FOR many years Stubbs's *Select Charters* has had no rival as a useful medium for bringing students in contact with the sources of medieval English history; but the fact that this book comprises mainly Latin documents has prevented its wide use in colleges and universities. During the past decade various attempts have been made to replace it with "reprints," "source-books" and "select documents," in the form of translations of the originals covering the whole ground of English history. There is danger of over-production in this field of activity. Some teachers who lack the requisite equipment have been tempted to undertake a kind of work which, if well done, requires a high standard of judgment and an expert knowledge of the sources. No historical task is more difficult than the accurate translation of medieval texts, for the meanings of many words cannot be found in Du Cange or other glossaries, but are learned only by long experience in using medieval Latin. Moreover, a good selection of extracts from the sources of English history, medieval and modern, presupposes a wide knowledge of those sources, which can be adequately acquired only after many years of hard study. Finally, the proper use of a good book of this kind in the class-room demands skill and learning on the part of the teacher.

In view of all these difficulties we are glad to welcome a collection of *Select Documents* edited by two of our most experienced university professors. Within the periods covered, from the Norman Conquest to 1885, the editors have aimed especially to illustrate constitutional and legal history; and therefore they give few extracts from the chroniclers or narrative sources. The chief fault that may be found with the scope of the work is that it begins with the reign of William the Conqueror. Though the best authorities are now inclined to accept the view that the Norman Conquest marks a "red line" of separation between what precedes and what follows, a full course of English history should include some study of the Anglo-Saxon period; therefore a few pages of extracts from the Anglo-Saxon sources would add much to the value of this book. Perhaps, too, a little space might advantageously have been found for material illustrating local government under the Plantagenet kings.

Professor Adams is responsible for the editing of the documents up to 1485, and his share of the undertaking was particularly difficult, because most of his material had to be translated. Many of the translations he has made himself; some he has borrowed from other books. The result is that the same Latin word or phrase is sometimes rendered dif-

ferently in different documents (for example, *comes Andegaviae*, "earl of Anjou," p. 40; "count of Anjou," p. 42). The work of translation has been well done, but it would be surprising if such a task could be accomplished without any errors. *Maritatio* in Henry I.'s charter of liberties seems to be equivalent to *maritagium* in the Great Charter, and denotes marriage portion, not "right of marriage." Would it not be better to render the last sentence in Chapter VIII. of Henry I.'s charter, "But if he shall have been convicted of treason or of felony, he shall make amends as is just"? *Sine emendatione* in Chapter XIV. of that document does not mean "without alteration," but without amends, *i. e.*, without any penalty. *Personae* in the Constitutions of Clarendon can mean "persons" only in the obsolete sense of that word, *i. e.*, parsons. In Chapter XII. of the Assize of Clarendon the last sentence is translated: "And if he shall not have been publicly suspected on account of the possession which he has, let him go to the water;" but if the comma is placed where it seems to belong, after "suspected," the sense of the whole passage is changed. The translation of *si ad aquam mundus fuerit* in Chapter I. of the Assize of Northampton (p. 21), "if he shall have been to the water whole," can be improved by comparing this enactment with Ethelred's Laws, III., c. 7, where we read of a person's having been "clean" (declared guiltless) at the ordeal. Does *hospitatus* in Chapter II. of that assize mean "hospitality" or the person who has been entertained? The proper translation of the last sentence of Chapter VII. of the Assize of Northampton seems to be, "They shall also hold the assize concerning robbers, etc., throughout whatever counties they are to visit, which (assize) was enacted by the advice of the king, his son and of his vassals."

In Chapter X. of the same text *de assiso redditu* should be rendered "fixed rent," or "rent of assize," instead of "returns from the assize"; and in Chapter XI. there is no reference to "payment," but the justices are to inquire who "owe" castle-ward, how much of this service they owe, and "where" they owe it. In the document of 1194 (p. 33) *super rotulum* denotes that the Jew is to swear, not on the roll or register of deeds, but on his roll or scroll of the Holy Law (the Thorah). Why should he swear on a register of deeds? The same phrase occurs in *Rotuli Chartarum* (ed. Hardy) p. 93; and the Jewish oath was taken in this way in modern as well as in medieval times (see F. Nicolay, *Histoire des Croyances*, 1901, Vol. I., p. 352). In Chapter XIV. of the Great Charter, for "under seal" read "singly" or "individually."

These corrections and queries are not presented in condemnation of the editor's work, but rather in response to his request for suggestions. The translation of medieval documents allows a wide latitude for conjecture and difference of opinion; and no translator or critic of a translator's work is infallible. The book of Professors Adams and Stephens is the best of its kind, and will doubtless do much to facilitate the teaching of English history.

CHARLES GROSS.